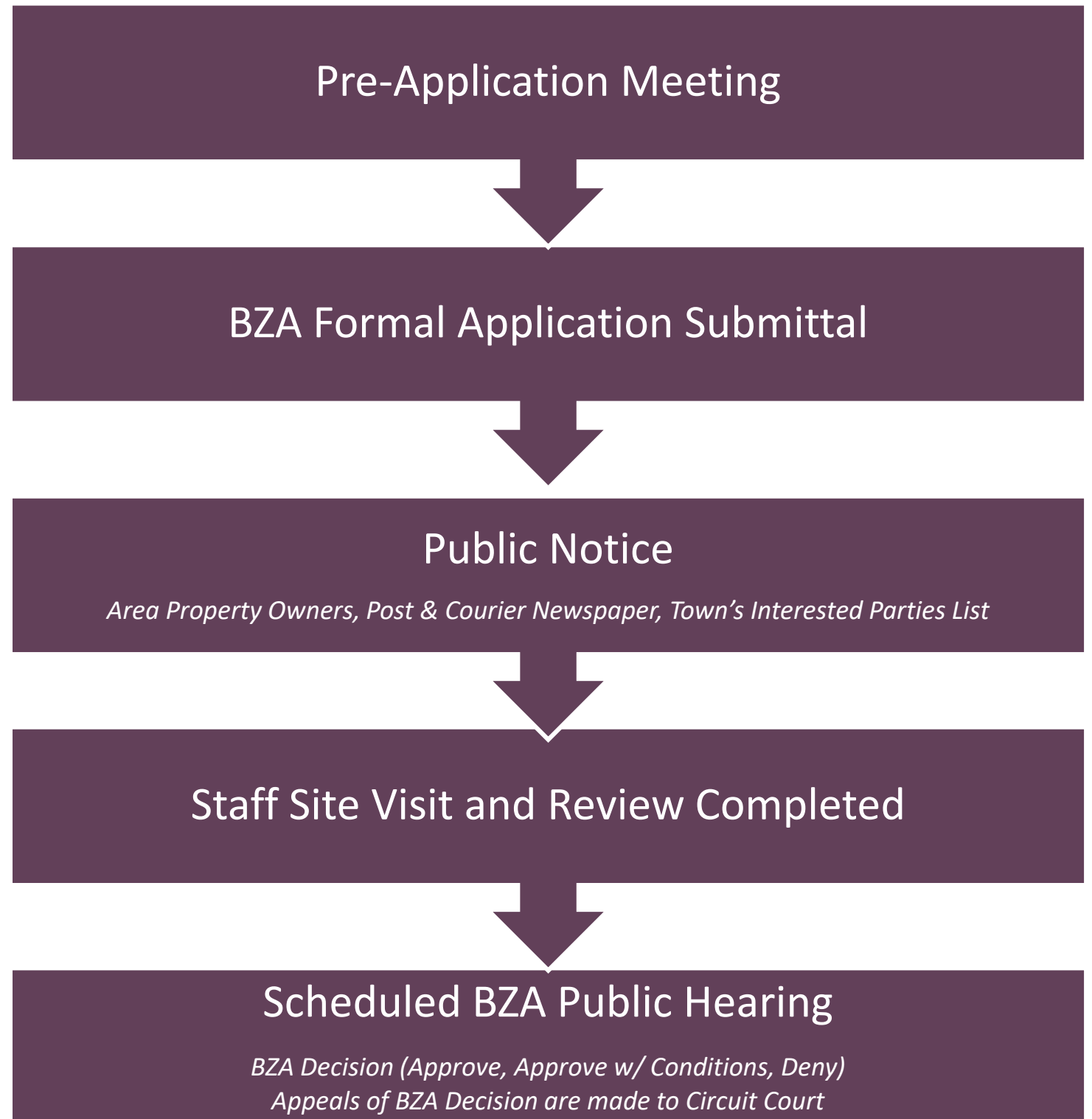




Board of Zoning Appeals Process

- Copy of **Current Recorded Deed** to the property.
- Restrictive Covenants Affidavit** signed by the applicant or current property owner(s)
- Letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria
- An accurate, legible **Site Plan** drawn to Engineer's Scale
- Legible **Approved and Recorded Plat** showing present boundaries of property
- ARB stamp and signature or approval letter**
If requesting a variance from property or OCRM Critical Line setbacks, the footprint of the proposed structure that encroaches on the required setback must be staked out on the property prior to submitting this application.
- BZA Application Fee**

[View the Town's BZA Meeting Schedule](#)





The Town of Kiawah Island Land Use Planning and Zoning Ordinance, Sec. 12-163.(4), **Approval Criteria for Variances**. The Board of Zoning Appeals may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is substantial, serious and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the Board of Zoning Appeals shall find that:

Variance Approval Criteria

BZA Formal Application Submittal

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;
- e. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;
- f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;
- g. The need for the variance shall not be the result of the applicant's own actions;
- h. Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent and purpose of these regulations; and
- i. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

SPR Committee Review Meeting

Apply for Special Exception and or Variance (if required)

Submit building plans for review and permitting

Schedule zoning final site inspection



The Town of Kiawah Island Land Use Planning and Zoning Ordinance, Sec. 12-161.(6), **Approval Criteria for Special Exceptions**. When considering applications for a Special Exception, the Board of Zoning Appeals shall evaluate the impact of the special use on, and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at the particular location. The Board of Zoning Appeals shall specifically consider the extent to which:

Special Exception Approval Criteria

BZA Formal Application Submittal

- a. The proposed use at the specified location is consistent with the vision and goals embodied in the Comprehensive Plan;
- b. The proposed use is consistent with the general purpose and intent of these Zoning Regulations, including any use conditions or zoning district standards;
- c. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, bufferyards, and the addition of landscaping, walls, or both, to ameliorate such impacts;
- d. The proposed use is compatible with the character of the underlying zoning district;
- e. Where applicable, the proposed use will be developed in a way that will preserve and incorporate natural features;
- f. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- g. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- h. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed special use on adjacent properties;
- i. The proposed use complies with all other requirements of these Zoning Regulations applicable to the proposed special exception use; and
- j. The proposed use is not materially detrimental to the public health, safety, convenience and welfare.